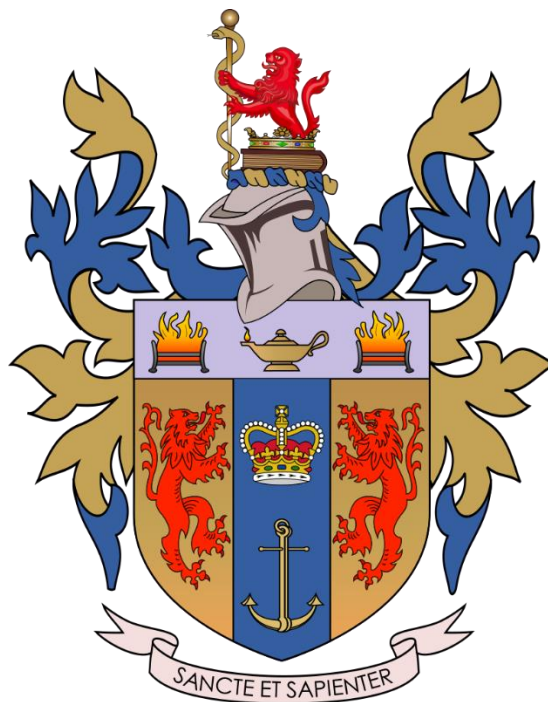


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# **The Self-Government of the Mexican Armed Forces: The Political Rise of the Mexican Army During the War on Drugs (2006-2023)**

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**Abstract:** The following dissertation aims to document the political and economic power acquired by the Mexican Armed Forces during the ongoing war on drugs, that have allowed them to become one of the country's central political actors.

This dissertation assesses the present state of affairs of civil-military relations in Mexico and argues that, given the power amassed by the armed forces and the lack of efficient civilian oversight mechanisms to hold them accountable, the Mexican Armed Forces are currently in a de facto state of self-government, and are borderline independent from civilian authority and impregnable to public scrutiny.

**Key words:** National Guard, Mexican Army, War on Drugs, civil military relations, Mexican Revolution.

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## Introduction

On December 11 2006, only a few days after being sworn into office, President Felipe Calderón Hinojosa ordered the deployment of thousands of troops into its native province of Michoacán to fight the drug cartels established in the area. The operation was called the 'Michoacán Joint Operation' (Operativo Conjunto Michoacán), and it is considered the inauguration of the so-called War on Drugs in Mexico, an ongoing conflict that has claimed the lives of more than 400,000 people that have been murdered between 2007 and 2023. Over the same period, more than 100,000 people have been reported missing in the country (Hope and López 2015; INEGI 2023a; Comisión Nacional de Búsqueda 2023).

The taxonomy of the war on drugs is a highly contested subject. Multiple scholars, governmental bureaucracies, and political figures (both domestic and foreign) have attempted to characterize the 'war' either as a non-international armed conflict, a criminal insurgency, a narcoterrorism crisis, or as an ordinary counternarcotics law enforcement operation (Barr 2023; Crenshaw and Waltz 2023; Crenshaw 2023; Teiner 2022; Campbell and Hansen 2014; Padin 2022; Rojo Fierro 2020; Pacheco 2009).

Although the Mexican Army has been involved in counternarcotics operations since the XX century, being the most famous one the Condor Operation in which the

Mexican Army cooperated with the DEA in the 70's to destroy marihuana and poppy fields in the province of Sinaloa, the beginning of the so-called war on drugs in 2006 represented a broadening of the law enforcement operations conducted by the armed forces in the name of the fight against cartels (Pérez Ricart 2022; 2021; Hope and López 2015; Rath 2013; Liewen 1968).

While the army served as the main enforcer of the post-revolutionary dictatorship under the Institutional Revolutionary Party (Partido Revolucionario Institucional, PRI), which ruled the country with an iron fist over 7 decades, gradually more civilian intelligence services and police departments took over the ordinary law enforcement operations. Although it should be noted that even in the decades that led to the final electoral defeat of the PRI in the year 2000, the army never fully left conducting some counternarcotics operations.

From 2006 onwards, the armed forces began substituting municipal and state police departments to conduct all sorts of policing operations (not only counternarcotics): raids, search warrants, checkpoints, operations that legally can only be conducted by civilian police officers with the prior authorization of a prosecutor (Ministerio Público/Fiscalía). This broadening of their policing powers, although illegal, happened at the express request of the last three Mexican presidents, Felipe Calderón (2006-2012),



Enrique Peña Nieto (2012-2018) and López Obrador (2018-2024), and multiple state governors and town mayors that asked for the presence of soldiers in their localities.

In 2019, a constitutional amendment proposed by President Lopez Obrador and its ruling party (MORENA) officially disappeared the civilian Federal Police and gave the Mexican Army the exclusive role of acting as the single national police under the disguise of a new police department called the National Guard. After 2019 there is no civilian federal law enforcement agency in Mexico. Only municipal, state, and penitentiary civilian police departments remain in existence so far in Mexico, yet their future is uncertain (2019 National Guard Constitutional Reform; 2022 Reform to the Army and Air Force Organic Law; 2022 Reform to the Fifth Transitory Article to the National Guard Reform; 2020 Agreement of the Military Police, Federal Police and Navy Police; *López Dóriga digital* 2020).

Furthermore, under the administration of President Lopez Obrador the Mexican Army has stratospherically increased its budget and has been tasked with duties like the construction of public infrastructure (such as the new Mexico City Airport AIFA, the Mayan Peninsula Train, the Dos Bocas oil refinery, the Welfare Bank branches, among other projects), the management of all ports and customs inspections on imported goods,

the monitoring of cybersecurity threats, among many others (Velázquez et al. 2021; SEMAR 2022; López Casarín 2023).

The following dissertation aims to document the evolution of the militarization of law enforcement in Mexico and its impact on civil-military relations.

The first chapter will briefly summarize the history of civil-military relations from the country's independence from Spain in 1821 to the 1946 transition from military to civilian power. The second chapter will analyse the 1946 pact celebrated between soldiers and civilians to ensure a peaceful transition of power, and how such agreements still configure much of the civil-military relations in the XXI century. The third chapter will focus on the new tasks and legal powers granted to the armed forces during the ongoing War on Drugs (2006-2023), particularly focusing on the current administration of President Andrés Manuel López Obrador, which I will argue, is the climax not only of the militarization of law enforcement in Mexico, but of the political life of the country.

This dissertation will rely on diplomatic cables, declassified documents, statistics produced by governmental and non-governmental organizations in Mexico, and leaked documents from 'Guacamaya Leaks' (a major leak of over 7 terabytes of emails from the Mexican Ministry of Defense SEDENA that was revealed in 2022). Given the sensitivity of the documents, and in order not to compromise the national security of my home

country, I will limit myself only to quoting the leaked documents that have been already presented in the national and foreign press, although much more could be said from thousands of documents that up to this day remain unknown to the public.

Chapters two and three will also heavily rely on investigative journalism articles published in domestic and foreign newspapers, since the war on drugs is an ongoing affair and much of its history is yet to be told. I beg the reader to take these journalistic accounts not as a lack of methodological rigour but as a necessity given the secrecy with which the Mexican government has conducted the war on drugs. Many of the things we know today about the horrors committed in the name of national security we know no thanks to the government, but despite the government, with the invaluable cooperation of hundreds of journalists, activists and whistleblowers that have risked their lives (and sometimes paid with them) to expose the truth.

Unless stated otherwise, translations from Spanish to English have been done by myself.

## **Chapter I. Blood and Fratricide: A Brief History of Civil-Military Relations in Mexico (XIX-XX centuries)**

After 300 years of colonial rule, Mexico gained its independence from Spain in 1821 after a coup staged by the commandant of the king's army, general Agustín de Iturbide (who would briefly rule as emperor of Mexico) and the Insurgents that had been fighting as guerrillas opposing colonial domination since 1810 (Schlarman 2012, chaps 1–2).

Mexico was born as the product of a military coup, and this would foreshadow the first century of its independent life as a sovereign power. Between 1824 and 1880 only two Mexican presidents managed to conclude its 4 year period in office without interruptions by civil war or foreign intervention: general Guadalupe Victoria, successor of emperor Iturbide, who ruled from 1824 to 1828, and general Porfirio Díaz, who raised to power in 1876 and ruled the country with an iron fist for over three decades (Schlarman 2012, chaps 2–3).

During the XIX century Mexico experienced endless civil war and foreign invasions by the United States, Spain, France, and the United Kingdom. Many presidents only managed to rule the country for a few weeks at a time before being deposed.

Between 1821 and 1946 most of the presidents of Mexico and the governors of its provinces were generals. Men in arms that through the power of violence or under the threat of its use, seized power in an endless stream of fratricide violence.

Many of these individuals were not professional soldiers, but rather farmers, lawyers, school teachers, or craftsmen that gained combat experience (especially in irregular warfare) during the multiple civil wars that the country underwent between 1821 and 1929. These individuals were considered officers because they had commanded volunteer militias, which had earned them the title of captains, colonels, or generals. Such was the case of presidents Vicente Guerrero (1829), Porfirio Diaz (1876-1911), Álvaro Obregón (1920-1924), among many others, who never attended a military academy, yet they commanded thousands of troops during these times of political turbulence (Liewen 1968, chap. I-IV).

It is not difficult to understand why so very few civilians occupied the presidency between 1821 and 1946. In this perpetual state of violence, economic crisis, and lack of public safety, the only power that could impose some degree of law and order was the power of guns and powder.

The civil wars of the XIX century can be broadly narrated as the confrontation between two different views of how the new young nation should be organized, the liberal view and the conservative view (Schlarman 2012, chap. 2).

Broadly speaking, the liberals had the following agendas:

- The separation between the catholic church and the state.
- The creation of a federal government that respected local autonomy.
- The abolition of military and clerical 'fuero', a special regime of privileges that allowed for the existence of special clerical and military tribunals and laws.

In contrast, the conservatives generally committed to:

- The existence of a strong central government, even if that implied the creation of a monarchy or an empire.
- The preservation of the clerical and military 'fuero'.

The regular army ended up on the losing side of history since it usually supported the conservative faction. In contrast, the liberals generally fought alongside the national guards, local militias made up of volunteers proficient in guerilla warfare, the only successful style of warfare that can be fought in the rough and mountainous Mexican geography (Barrón 2015; Liewen 1968, chaps 1–4).

The conservative faction lost the Reforma War and the subsequent Second French Intervention (1862-1867), in which a substantial fraction of the regular army sided with the invaders to impose the rule of Emperor Maximilian of Habsburg.

General Porfirio Díaz was the first in successfully establishing a period of continuous rule and stability between 1876 and 1911 (Garner 2010). Just like his predecessors, he seized power thanks to the army and was aware that the army was the only one powerful enough to remove him. As a precautionary measure, he reduced the size of the Federal Army and began the demobilization of the national guards to shrink the armed forces to the point in which they presented no risk to his regime (Cfr. Liewen 1968, chap. I).

General Diaz inaugurated a practice that up to this day is employed by the Army and Navy general staff to keep in line the garrison and zone commanders throughout the country. Diaz frequently moved from one province to another to the provincial military commanders in order to disrupt any political power they might have acquired while serving in that locality.

While in the XIX century it was enough to amass enough followers in a certain province with the support of several 'caciques' (warlords) to overthrow the central government, Diaz managed by frequently moving coronels and generals to different

provinces to disrupt any local loyalties that a commandant might have created. In exchange for his obedience to the central government, Diaz gave leave to its officers to extort the local population, to receive bribes, and he would reward them with high salaries and land. If an officer refused to obey, Diaz would expose the corrupt activities in which that officer was engaged and then have him prosecuted by a court martial (Liewen 1968, 1–2).

Diaz succeeded in reducing the army to its bare minimum with only 25,000 troops, yet this success would be his doom. When the 1910 Mexican Revolution started, only half of those troops were properly fitted for combat. He always thought that the single largest threat to his regime was the army, not a popular insurrection (Liewen 1968, 4–12).

The political leader of this first stage of the Mexican Revolution was Mr. Francisco I. Madero, the son of well-accommodated land owners and often criticized for being too naive an idealist, lacking the iron fist needed to rule a large and wild country such as Mexico.

With the instigation of the American ambassador Mr. Henry Lane Wilson, and after a brief administration that lasted little more than a year, a coup headed by the generals Felix Díaz, Bernardo Reyes and Victoriano Huerta broke out in the capital (1913)



and culminated with the assassination of president Madero and his vice president José María Pino Suárez (Schlarman 2012, chap. 3; Liewen 1968, chaps 1–2).

After the victory of the revolutionary forces over general Huerta (1914), the revolutionary government made a key decision in the shaping of civil-military relations in Mexico, the suppression of the federal army after the signature of the Teoloyucan Treatys on August 13, 1914 (Liewen 1968, 24). Up to this day, the current Mexican army does not acknowledge its origin in the XIX century federal army, but in the popular militias that fought against the dictators Díaz and Huerta during the Mexican Revolution.

The assassination of president Madero would serve as an enduring reminder of the dangers of military power, and it would inspire many of the clauses that would limit the military sphere of influence in the new constitution of 1917, the constitution drafted by the revolutionaries that up to this day governs Mexico.

Even though the new constitution included articles that forbade the armed forces from conducting policing activities or from engaging in political activity, these new rules would not be fully enforced until the second half of the XX century. Despite the best wishes of civilian politicians, the suppression of the federal army was merely the substitution of one army with another. From this point onwards, the presidents of Mexico would be the revolutionary generals and their relatives (Liewen 1968; Rath 2013).

The Mexican Revolution ended with the assassination of general Obregón in 1928 and the rise of general Calles. With the rise of Calles began a historical period known as the 'Maximato', a period of relative stability between 1928-1934 in which Calles became the top 'caudillo' of the Revolution.

Calles might be considered the winner of the Mexican Revolution not because of his military talent (like most of the revolutionary generals he never received any formal military training), but because he was literally the last man standing. All the other prominent figures and commandants of the Revolution: Emiliano Zapata, Pancho Villa, Venustiano Carranza, Álvaro Obregón, were dead by that point.

Calles knew Mexico could not endure further civil war, and that just like his predecessors, he was vulnerable to a military coup. In fact, he faced and defeated a large rebellion in 1929 in which a third of the officer corps participated, the last serious military challenge to the central government (Liewen 1968, 103–4).

In an effort to prevent any further spilling of blood and to stabilize the country, Calles created a national party called the National Revolutionary Party (Partido Nacional Revolucionario, PNR). The party would serve as the institutional channel to mediate conflicts, to distribute the political and economic spoils of war earned after winning the

Revolution, and would be the only channel through which the presidential succession would be disputed (Liewen 1968, chap. IV–V; Rath 2013, chaps 1–2; Córdova 2018).

The PNR was a corporate entity that assembled the three largest sectors that fought and supported the Revolution: the revolutionary army (composed mainly by militias and volunteers proficient in irregular warfare), the peasants (farmers that were exploited during the Díaz regime), and organized labour (unions of factories and mills, some of which were brutally repressed by the Díaz regime if a strike broke out).

The party did have to face further rebellions from those generals who failed to win the nomination for the presidency, being the last serious threat of rebellion the one in 1940 after general Juan Andreu Almazán, who did not receive the nomination from the revolutionary party and decided to campaign against the official nominee, general Manuel Ávila Camacho (Rath 2013, 26, 41, 60, 108, 123, 156–58). Those who founded their own parties or rebelled against the official revolutionary party were either met with electoral fraud (if they decided only to compete within the legal channels) or with violence (if they decided to revolt).

Both general Calles and his predecessor Alvaro Obregón believed in the importance of professionalizing the army and put in charge of the renewal of military education and training to general Joaquín Amaro. The end goal of building a new

professional officer corp was to eventually substitute the hundreds of colonels and generals that earned their titles not because of their talent in soldiering, but of his coincidental support of the right factions during the Revolution (Liewen 1968, chap. III–V; Rath 2013, chaps 1–3 and 6).

General Lázaro Cárdenas eventually exiled Calles in order to rule as an independent president (1934-1940), and he began a series of reforms that are recognized both in the official Party history and in scholarly research as the beginning of the end of military rule in Mexico (Liewen 1968, chap. V and Epilogue; Rath 2013).

Cárdenas reorganized the party into four major sectors: the peasant sector (agricultural sector), the workers sector, the military sector, and the popular sector (that fundamentally received any members that would not be eligible for the previous three, specially included government and party bureaucrats). With this reorganization, the military was no longer the supreme overlord of the party, but merely one of four corporate entities with their own interests and agendas. When general Cárdenas was succeeded by general Ávila Camacho (1940-1946), the military sector officially disappeared and all its members, both in the party and in the Federal Congress, would be absorbed in any of the remaining three sectors, especially the popular one (Liewen 1968, XIII and 143).

Cárdenas had the support of the young professional officers that graduated from the schools and training centres inaugurated by general Joaquín Amaro. They despised the Revolutionary generals on account of their lack of formal military training and saw them as a relic of an ancient time (Cfr. Liewen 1968, 109).

Cárdenas further limited the possibility of soldiers involving themselves in politics by reforming military regulations, reiterating some of the provisions already contemplated in the 1917 constitution but that were not fully enforced by then.

On March 26, 1937, Cárdenas issued the General Rulebook of Military Duties (*Reglamento General de Deberes Militares*). Articles 31, 42, 92 and 284 of the Rulebook echoed the prohibition for active-duty personnel to engage in political activity that the constitution contemplated in its articles 9, 55 fraction IV and 82 fraction V (*Reglamento General de Deberes Militares* 1937; UNAM 2015). Although it should be acknowledged that the enforcement of such prohibition was loose, given that Cárdenas' successor was another general, Manuel Ávila Camacho.

Another reiteration made in the Rulebook was the prohibition of soldiers from conducting policing operations, contained in article 28 of the Rulebook and article 129 of the Constitution. Yet again, the armed forces would still conduct brutal counternarcotics

and counterinsurgency campaigns in rural areas of the country throughout the XX century despite these legal prohibitions (Rath 2013, chap. V).

While in the mainstream party history Cárdenas is celebrated as the general who used the power he acquired as a revolutionary general to end the rule of revolutionary generals, soldiers would still be involved in political activity for decades to come.

## Chapter II: The Pact of 1946 and its Institutions

Even after the last military president of Mexico, general Manuel Ávila Camacho (1940-1946), inaugurated the first independent civilian president after the Revolution, Mr. Miguel Alemán Valdés (1946-1952), soldiers would still occupy prominent civilian offices. Between the 50s and 60s on average a quarter of all the appointments for provincial governors and up to 10% of the members of Congress were soldiers. Up until 1994 it was even usual to have a general in the Supreme Court, being the last soldier appointed Brigade General Carlos García Vázquez, who served as Supreme Court Justice between 1986 and 1994. Aside from the mandatory appointments of the Secretary of the Navy and Secretary of Defence, even in the XXI century Mexican presidents often prefer to appoint either generals or admirals as Attorney Generals or as Public Safety Secretaries. Additionally, there is always the representation of at least one general and one admiral in Congress at any given time, either serving as deputies or as senators. For instance, between 2018 and 2021 general Benito Medina Herrera served as deputy during the LXIV Congress and as of the moment of the writing of this dissertation (summer 2023), Vice admiral Jaime Martínez López serves as deputy and Chairman of the Navy Committee in the Federal Congress (Liewen 1968, 148; *Ministros 1917-1994 Semblanzas: Tomo I* 2002, 255–58; Sistema de Información Legislativa 2023b; 2023a).

The transition of the last military president to the first civilian after the turmoil of the Revolution is often referred as 'the pact', a series of unspoken rules that would constitute the civil-military relation to come, the terms and conditions agreed upon for the transition from military to civilian rule.

Before and after the Revolution the military was allowed a great degree of autonomy and entrepreneurialism. Coronels and generals became wealthy landowners and businessmen profiting from legal and illegal activities with blessings from the regime (Liewen 1968).

After Miguel Alemán took office in 1946, no other soldier would ever again serve as president in Mexico. Scholarly research is relatively homogeneous on the core of its assessment, yet there are slightly different variations on how such pact is depicted:

For Thomas Rath, the pact can be defined as an exchange of the country's presidency for operational and regional autonomy and economic (some legal, some not) incentives. No civilian president would interfere with military operations and soldiers would still be allowed (although discretely) to abuse their power to enrich themselves, either by extorting local populations or deviating resources allocated for the troops under their command to their personal fortune. These extraofficial powers granted to the armed forces are very much alive in XXI century Mexico, from small instances of extortion



towards the local population committed from time to time by enlisted soldiers up to multimillion dollar frauds like the one committed during the administration of Secretary of Defence general Salvador Cienfuegos Zepeda (Gallegos 2020; 'Graban a Guardias Nacionales Extorsionando a Un Delincuente' 2020).

Jorge Romero depicts the pact as a transformation of the military from a political elite into an economic elite. The military would withdraw from public life, and in exchange, they would enjoy a wealthy life that also granted some extra-legal powers (*En Resistencia: La Defensa de La Vía Civil. Ponencia de Jorge Javier Romero Vadillo. 2021*).

The pact was never written and as such, one can only find indirect evidence of its existence. One piece of evidence that might support the claim made by Romero is the fact that consistently since the end of the Mexican Revolution and up to this day the armed forces have an inexplicably high number of generals and admirals (both in active duty and retired).

On average, since the 'signature' of the pact, the Mexican Army has had 500 generals on the payroll at any given time. The 2023 Federal Budget contemplates 557 positions for generals in the Ministry of Defence:

- 1 for the general appointed as Secretary of Defence (four-star general).

- 45 Division Generals (three-star generals, the highest military rank achievable for anyone other than the Secretary of Defence).
- 186 Brigade Generals (two-star generals).
- 325 Brigadiers (one-star generals).

If we consider that the Ministry of Defence has a total of 272,233 soldiers between the members of the Air Force and the Mexican Army, the ratio between generals and troops is one general per every 488 soldiers (SHCP 2022a).

Mexico does not have one single Ministry of Defence, the Navy has its own ministry with 387 admirals contemplated in the 2023 Federal Budget:

- 1 Admiral appointed as Secretary of the Navy (4-star admiral).
- 30 Admirals (3-star admirals).
- 102 Vice-admirals (2-star admirals).
- 251 Rear-admirals (1-star admirals).

In 2023 the Navy has 81,947 sailors. That is a ratio of one admiral per every 211 sailors (SHCP 2022b).

There is no operational reason to keep in the payroll that exorbitant number of commandants for such a small force. However, if we frame it within the context of the

'transition of a political elite into an economic elite', it would make sense to pay as many members of the 'Revolutionary family' as possible.

The average income of every general/admiral is as follows in the 2023 Federal Budget:

- Four-star general/admiral: 152,455 USD per annum.
- Three-star general/admiral: 151,899 USD per annum.
- Two-star general/admiral: 138,800 USD per annum.
- One-star general/admiral: 121,100 USD per annum.<sup>1</sup>

To put that amount into perspective chapter (Cfr. SHCP 2022a; Cfr. 2022b), the minimum wage in Mexico is 12 USD a day (not per hour, per day, for 8 hours of work), and one in every two Mexican citizens lives below the poverty line, which is equivalent to earning two or less minimum wages (INEGI 2023b; CONEVAL 2020).

The 'pact' allows the military to profit not only through their official salary but also by using federal resources allocated for the military. Commandants can discretionally pick who will provide food and services for their battalions and regiments. As such, they can engage in corruption by choosing as providers of services only to their family members, friends, or businesses willing to give them some bribe in exchange for picking

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<sup>1</sup> Calculated with a ratio of MXN to USD 16.75 at the moment of the writing of this.

them as providers. Smaller forms of profit like 'casinazos' (extortion in exchange for weekend passes and authorized leave) are also common.

Unlike any other governmental office, the armed forces audit their own expenditure. While the Superior Auditor of the Federation (Auditoría Superior de la Federación, ASF), a body of the legislative branch, audits and enforces all the accounting and transparency regulations in any other ministry, both the Ministry of the Navy and the Ministry of Defence have their own appointed auditor (an admiral and a general respectively), creating the perfect opportunity for corruption in which generals and admirals become businessmen with the citizens' tax money.

One clear example of this corruption opportunities is the scandal of 156 million USD allegedly stolen through various schemes of corruption and simulated transactions between 2013 and 2019. Up to this day not a single general has been sentenced for this scandal, and the involvement of the former secretary of defence, general Salvador Cienfuegos Zepeda (arrested in the US under charges of drug trafficking after an investigation conducted by the DEA) is still unknown (Golden 2022; Gallegos 2020).

The 'pact' is often described as a deal of military autonomy, yet the current scholarly research fails to describe in detail all the mechanisms that exist in Mexican legislation and politics that allow the armed forces for such autonomy. The 'pact' is

fundamentally an agreement on which things must not exist within the Mexican legal framework because if they did, they would enforce civilian control over the military.

*The promise of no further military involvement in politics*

The first half of the Mexican Revolution had a clearly identifiable antimilitaristic tone. During the Revolution civilian presidents Francisco I. Madero (1911-1913) and Venustiano Carranza (1914-1920) were deeply committed to the installation of civilian rule over the country, and they were both assassinated in military coups. The population despised the plunder and repression conducted by the Federal Army under general Díaz, and even when generals Pablo Gonzalez and Álvaro Obregón competed for the presidency prior to the 1920 rebellion, they claimed that they were not trying to install the rule of a new army, a promise that history has proven, was a lie (*En Resistencia: La Defensa de La Vía Civil. Ponencia de Jorge Javier Romero Vadillo*. 2021; Rath 2013, chap. 1; Liewen 1968, chaps 1–2).

The pact has two major components, **the promise of soldiers of no further involvement in politics** (which is instanced by a series of fail safes implemented by civilian politicians to exile soldiers from politics and to prevent a coup) and **the promise**

**of civilians of not meddling with the operational, economic, and political life of the armed forces.**

The 1914 constitution the revolutionaries drafted included multiple clauses separating the military from political activity: *Article 9) ...No armed meeting has the right to deliberate* (Constitute Project 2015, art. 9). This article eliminates the right of the armed forces to deliberate political matters. Although as history has proven, the military still governed Mexico until 1946.

*Article 129.-No military authority may, during peacetime, perform any functions other than those directly related to military affairs...* This is the article currently violated by the soldiers conducting policing operations in the name of the war on drugs. They are conducting raids, search warrants, wiretapping communications, mounting checkpoints, all sorts of law enforcement activities that in peacetime are exclusive of civilian authority.

Articles 9, 55 fraction IV and 82 fraction V of the Constitution include a clause that demands that any soldier that desires to seek the nomination to become an elected civil servant must leave active duty either by asking for a temporary license, retiring from active duty, or asking for their discharge. Soldiers wishing to become senators or deputies must leave active duty at least 90 days before the election day. If a soldier wishes to be president, he must leave active duty at least six months before the election.

These articles were not fully enforced until after the military gave up the country's presidency in 1946, but they reflect the mistrust of the civilian component of the revolutionary forces on the military and their political power (*En Resistencia: La Defensa de La Vía Civil. Ponencia de Jorge Javier Romero Vadillo*. 2021).

Such mistrust would endure even after the 1946 transition of power. In September 1952, civilian president Miguel Alemán decreed the creation of the new Corp of the Presidential Guard, a far larger version of the presidential guard compared to the one used by its predecessors (Alemán 1952).

The Presidential Guard was stationed in the Federal District (Mexico City) and received much of the modern equipment acquired for World War II. While the presidential guard of general Calles usually had between 1,000 and 2,000 soldiers, the one created by Alemán was 4,000 strong (Rath 2013, 84–85 and 117).

As a failsafe in case of a coup, Alemán also commissioned the construction of a secret tunnel that connected the presidential palace with the Presidential Guard battalion located outside the Chabacano metro station. The construction of the tunnel was concealed during the construction of the avenue known as Viaducto Miguel Alemán.

A second precautionary measure was included in articles 10 and 34 of the Statute of Government of the Federal District, which stated that given the strategic importance

of the nation's capital, it was the president's duty to appoint the capital's Prosecutor and the Chief of Police. Unlike any other provincial governor, Mexico City's mayor was not the commandant of the city's police, it was the president (Cámara de Diputados 1994).

This measure was taken aware that, after the Mexican Army, the Mexico City Police Department is the second largest armed corporation in the country, it is even larger than the entire Mexican Navy. A force of such size might contain any attempted coup (Cfr. INEGI 2022, 8).

A third precautionary measure taken to prevent a coup was the fragmentation of command. Mexico has more than 500 generals and over 300 admirals. The idea behind having so many commandants is to make it effectively impossible to make everyone agree to stage a coup.

Let us analyse now the second part of the pact, the legal prescriptions and absences that do not allow civilians to meddle with military operations, politics, and finances:

### *No civilian secretaries of the Navy and Defence*

Article 16 of the Organic Law of the Army and the Air Force stipulates that only a Division General can be appointed Secretary of Defence. In turn, not any soldier can become a



Division General. The Mexican Army is divided between combat arms and logistical services. The combat arms of the army are: Infantry, Cavalry, Armoured (which was separated from the Cavalry in 1990), Combat Engineers, and Artillery (Cfr. *Ley Orgánica Del Ejército y Fuerza Aérea Mexicanos* n.d., art. 56). The combat arms of the air force are pilots and paratroopers. Only combat arms officers who graduated from the Heroic Military College or the Air College are eligible to become division generals. Any officer from services like military justice, war materials, or military medicine can only become a two-star Brigade General (*Ley Orgánica Del Ejército y Fuerza Aérea Mexicanos* n.d., arts. 191–193).

Although nominally air force generals could be eligible to become secretaries of defence, most secretaries of defence come from the Army. The air force failed in its attempt to become an independent ministry just like the navy did in 1940. Historically, the Mexican government has always neglected the budget and strategic importance of the Air Force and the Navy, and hence, the largest corp by far of the three branches is the Army (Rodríguez 2017).

The Mexican president is not free to appoint anyone as secretary of defence, he is forced to choose among the existing pool of division generals. The same happens in the navy as per articles 42, 56 and 65 of the Organic Law of the Navy. Only an officer who

graduated from the Heroic Navy School that belongs to the General Corps is eligible to become an Admiral. Officers from the auxiliary services can only reach the rank of Vice-admiral (Cámara de Diputados 2012; *Ley Orgánica Del Ejército y Fuerza Aérea Mexicanos* n.d.).

Since 1946, the sitting president has not removed a single secretary of defence from office. All of them have governed the armed forces for the same time that presidential administrations last in modern Mexico, six years (called 'sexenios'). That does not happen in any other ministry. Between 1946 and 2022 Mexico has had 30 different Interior Ministers, 22 Finance Ministers (Hacienda y Crédito Público), yet only 13 secretaries of defence. While any other minister is vulnerable to public scrutiny and pressures from the press and NGO's, no scandal has ever been sufficient to fire a secretary of defence since the turnover of the presidency to a civilian in 1946.

This would be inconceivable for countries like the US. No modern secretary of defence, unified combatant commander (e.g. USSOUTHCOM, USEUCOM, ETC.), or commandant of one of the armed forces branches (Marine Corp, Space Force, etc.) would ever be appointed for six years in a row. It is too much power concentrated on a single individual.

*Lack of legislative oversight*

Unlike other congresses and parliaments around the globe, the Mexican Congress lacks efficient mechanisms of oversight over the armed forces. It cannot force a minister to appear in a parliamentary inquiry or to sanction it for failing to attend a hearing. The Navy, Army and National Security committees are severely understaffed and lack a proper team of investigators to oversee the behaviour of the armed forces in their routine operations. Moreover, they usually appoint a general or admiral as chairmen of these committees, giving up their task of holding the military accountable to certain budgetary, ethical, and operational standards.

Article 58 of the National Security Law requires all the national security institutions of the state (including the armed forces) to inform every six months of their activities to the National Security Bicameral Commission. Yet Congress lacks legal powers or a professional service of investigators to contest or further inquire about whatever the armed forces and intelligence services are willing to share with Congress (*Ley de Seguridad Nacional* 2019, art. 58).

In October 2022, the Secretary of Defence refused to appear before Congress after a major cyberattack against the Ministry of Defence known as 'Guacamaya Leaks' on the grounds that he felt that the congressmen that wanted know more about the incident were being 'disrespectful'. He replied to Congress that if they wanted to know more about

the cyberattack, they would have to go to the Ministry of Defence's HQ. In Mexico there is no such thing as 'contempt to Congress' contemplated as a felony in the Federal Criminal Code, so there was no consequence whatsoever for general Luis Crescencio Sandoval for not obeying this call from Congress (*Latinus* 2022b).

A similar incident of contempt to Congress happened in 2023 when Senator Emilio Álvarez Icaza, one of the most prominent human rights activists in the country, questioned during a hearing behind closed doors the Secretary of the Navy, Admiral José Rafael Ojeda Durán, about the execution of two young men in Guasave, allegedly committed by sailors. Senator Álvarez Icaza asked the admiral if he was willing to hear the family of the victims, to 'take a cup coffee with them' and hear their side of their story, to which the admiral rudely responded that he had no obligation to take a cup of coffee with those people (Loret de Mola 2023).

Another gap in legislative oversight has to do with promotions. Article 76, fraction II of the Mexican Constitution states that while the President has the power of appointing all colonels, ship captains, generals and admirals, the Senate must ratify such nominations. Yet Congress never exercises this power. Anyone the Army and Navy staff wishes to submit for promotion will receive the Senate's approval with no questions asked ('Emilio Álvarez Icaza (GP) Durante La Discusión de Ascensos En La Armada de

México' 2022; 'En Promoción de Militares Tiene Que Revisarse Su Récord de Derechos Humanos: Sen. Álvarez Icaza' 15:15; 'Sen. Álvarez Icaza Pide Dar a Conocer Lista de Ascensos Del Ejército y de La Semar Para Su Estudio' 2022).

There are very few instances in which there has been true tension and debate between Congress, the president, and the Army and Navy staff in the past decades on the issue of promotions. There are only three major examples:

- The 1953 parliamentary inquiry ordered by President Díaz Ordaz to the Senate that resulted in the denial of several promotions on the grounds that some individuals paid bribes to 'earn' their promotion (Rath 2013, 103–4).
- Alfonso Durazo Moreno, a.k.a. 'el negro Durazo', an infamous and corrupt police officer and intelligence officer that was promoted to Division General by president López Portillo, despite his career was in the police and intelligence services, not in the military. The army deeply resented this nomination.
- In 2018 the Senate refused the promotion of Brigade General José Luis Sánchez León to further inquiry its knowledge of the Tlatlaya extrajudicial execution. This refusal turned out to be meaningless because later in the administration of president López Obrador he was promoted to Division General (Senado de la República 2018; Arvizu 2023).

### *Lack of transparency*

Articles 51 and 64 of the National Security law and articles 4, 43, 104, 113, and 189 of the Transparency law allow all ministries and public offices specialized in law enforcement, intelligence, and military affairs to conceal information from the public under national security reasons (*Ley de Seguridad Nacional* 2019; *Ley General de Transparencia y Acceso a La Información Pública* n.d.). Regrettably, this legislation has been exploited by the military to conceal wrongdoings and even criminal activity from the public.

The Armed Forces are automatically allowed by the Transparency Law to classify its expenditure and operation (even if it is something as mundane as the information generated for hosting a cocktail party in the Ministry's HQ) as a national security secret.

The opacity of the armed forces allowed by the Transparency Law is so significant that, until the Guacamaya leaks happened, it was unknown the existence of the Military Intelligence Centre, a secret organization not listed either in the annual federal budget or the Organic Law of the Army and Air Force. This Centre has been involved in political espionage and operates without being acknowledged as an intelligence service by the National Security Law. It does not even ask for warrants before wiretapping the communications of private citizens (Kitroeff and Bergman 2023; R3D 2023; *Aristegui Noticias* 2023).

During the Ayotzinapa execution (2014) investigation, the Ministry of Defence used almost all the exclusions that the Transparency Law allows a ministry to deny public information. It argued that it did not have information about the case, which was eventually discovered to be a lie, and no soldier was ever sanctioned for lying to these freedom of information requests. Despite general Cienfuegos Zepeda emphatically denied that any of his soldiers had anything to do with the execution, in June 2023, 8 soldiers were arrested for their alleged involvement in the execution ('Entrevista Con El General Salvador Cienfuegos, Titular de Sedena' 2015; *Animal Político* 2023; *Univision* 2016).

### *Lack of executive oversight*

Since the democratic transition of 2000 (when the PRI lost the presidential election after ruling the country for decades with an iron fist, with the army as one of their main enforcers), the relationship of each sitting president with the armed forces has been one of cordiality and adulation, never confrontation.

Each president has limited himself to commend the armed forces for their loyalty and sacrifice publicly, they grant periodic salary increases, but no president has confronted the armed forces for their atrocities or attempted to meddle with military politics. Despite nominally the president is the one who proposes to the Senate which

colonels, generals, ship captains, and admirals are to be promoted, in practice the president merely forwards the promotion lists the Army and Navy staff have drafted.

This might be motivated by ignorance since Mexico has not had a military or even a veteran president since 1946. For many presidents, the armed forces are like creatures from another planet, a world they do not comprehend and might be dangerous to try to change. It might be impossible for an individual who has never been part of that world to reform or resist it.

The army has remained a powerful political ally even after the downfall of the PRI. Both president Felipe Calderón (2006-2012) and López Obrador (2018-2024) invested most of their political currency in cultivating their relationship with the army and using them as a source of legitimacy for their governments.

For instance, the current Mexican president, Andrés Manuel López Obrador, frequently substitutes civilians with soldiers blaming civilians as inevitably corrupt and inefficient, while in contrast presents soldiers as ever loyal and efficient.

For these reasons, it might be understandable why no modern Mexican president has ever attempted to meddle with the internal political life of the armed forces, and without external supervision, soldiers and sailors can do whatever they see fit with their budget, deployments, and political influence.



The president is on paper the supreme commander of the armed forces, but in reality is the supreme cheerleader, a political figure that usually limits his role to increasing the budget and salaries of the armed forces, and thanking them endlessly in public ceremonies.

All the terms and conditions of the 'pact' turn the Armed Forces into an autonomous body inside the Mexican state (Díez 2012). But what are the reasons to say that this has gone one step beyond? What evidence could support the claim that the Mexican armed forces are in a de facto state of self-government and are borderline independent from civilian authority? To answer that question we must look closer into the XXI century military politics during their involvement in the war on drugs.

### **Chapter 3: From the militarization of law enforcement to the militarization of public life**

The army was the main enforcer of violence and discipline during the PRI rule, yet in the second half of the XX century it was not the only bureaucracy that existed for that purpose. Civilian intelligence services like the DFS (1947-1985) and the CISEN (1989-2018) were created for surveillance and elimination of political dissidents. In that regard, the history of Mexican security services is tragic. These corporations were not created to protect the citizens from threats to their lives, but to protect the regime from anyone who would dare to criticize or undermine it (Rath 2013, chap. 5; Aguayo 2001; Rosas 2011, 37–99).

The army is the largest and more funded of the three services precisely because the Mexican Armed forces have always been almost exclusively tasked with internal security tasks: counterinsurgency, civil war, counternarcotics, and law enforcement. The Mexican state is not concerned with acquiring aircraft carriers or strategic bombers for a distant war overseas when there are plenty of domestic threats: criminals, bandits, drug smugglers, etc (Rath 2013, 5, 16, 18, 26, 169; Liewen 1968, 48–49, 68–69, 85–86, 110, 141–49).

Although the Mexican Army has always been tasked with some law enforcement activities, after the second half of the XX century it was not the only bureaucracy tasked with such duty. The army gradually became just one bureaucracy out of many in a complex constellation of services dedicated to protecting the regime.

The intervention of the armed forces in internal security affairs is characterized by a counterinsurgency approach. The army is not trained nor interested in prosecuting criminals, it does not collect evidence to put people in jail, merely 'terminates' troublemakers. Proof of this pragmatic approach is documented in the 'Dirty War' (1958-2000) literature and in the many Inter-American Human Rights Court rulings against the Mexican state for human rights violations committed during the Dirty War and the War on Drugs (Mandolessi and Olalde Rico 2022; Bornemann 2007; McCormick 2017; Smith and Roberts 2008; 'Radilla-Pacheco vs. Mexico' 2009; Rath 2013, chap. V).

Since the 90s, the army has undergone a journey from being just one of many agencies dedicated to internal security and law enforcement to become again in 2023 the indisputable hegemon of the Mexican national security system.

Mexico underwent a process of remilitarization since the 80s. While Lázaro Cárdenas and Ávila Camacho in preparation for the 'pact' substantially reduced the budget and size of the army (between 50,000-60,000 men), the armed forces budget and

strength grew from the 80s until reaching the current size in the XXI century, an average of 250,000 soldiers and 80,000 sailors (Rath 2013, 172).

Legally soldiers are not allowed to conduct law enforcement operations, the legal powers of a soldier are not the same of a police officer during peacetime. This is stipulated in article 129 of the Constitution and article 28 of the General Rulebook of Military Duties.

As the country slowly transitioned from the dictatorship of a single party to the struggling democracy that it is today (2000-2023), the army could no longer rely on unspoken pacts to keep conducting internal security duties. If the army was to keep that power, it had to be written on paper.

The first major legal victory of the army was won in 1996 amid the creation of the National Public Safety System. The 1995 Law that Set the Foundations for Coordination of the National Public Safety System sparked controversy because its article 12 granted a seat in the National Public Safety Council to the Minister of Defence and another to the Minister of the Navy. The controversy reached the Supreme Court, and in 1996 the Court ruled that it was constitutional that both ministers had the opportunity to offer some input in the design of law enforcement policy ('Acción de Inconstitucionalidad 1/96' 1996; Cámara de Diputados 1995).

This Supreme Court rule that merely granted this sit to both ministers to speak in the National Public Safety Council has been used, abused, and stretched by every Mexican president since 2006 to justify the militarization of law enforcement that Mexico is undergoing. What originally was a rather narrow and specific ruling upon the constitutionality of the presence of these individuals in a consultive council has become an instrument of lawfare to justify the presence of the military and their methods on the streets (Jackson, Murphy, and Poynting 2009; Smith and Roberts 2008).

When in December 2006 president Felipe Calderón ordered the massive deployment of thousands of troops for law enforcement operations he faced a major legal challenge. Soldiers' authority cannot be broadened during peacetime. However, the activation of article 29 of the Constitution, the declaration of a national emergency and acknowledging the existence of narcoterrorism or a non-international armed conflict would have damaged Mexico's international reputation, especially amid the global War on Terror conducted by the US after the 9/11 terrorist attacks.

To not call for unwanted international attention, president Calderón sent to Congress in 2009 an amendment to the National Security Law that allowed for a 'mini declaration of national emergency' that did not require activating article 29 of the Constitution. The bill passed in the Senate but was defeated in the Chamber of Deputies

(Calderón 2009; *Minuta Con Proyecto de Decreto Que Reforma Diversas Disposiciones de La Ley de Seguridad Nacional* 2010).

Years of operating without proper legal authorization took a toll in the army's legitimacy, prestige, and hundreds of soldiers even ended up behind bars for their involvement in the war on drugs ('DD.HH. Personal Militar Procesado y Sentenciado 2023' 2023; Peralta n.d.; Rea and Ferri 2019). For this reason, the army lobbied once again to revive the 2009 law proposed by Calderón, now rebranded the Interior Security Law.

The history of how the Interior Security Law came to be is one of blackmail and insubordination. While any secretary in a democratic country would threaten to resign as a last resort to press a president to produce a public policy change, general Cienfuegos Zepeda veiledly threatened President Enrique Peña Nieto to withdraw all its soldiers from the streets and leave the understaffed civilian authorities to deal with the crisis, a crisis that, ironically, did not begin until the army was deployed in the first place (Azam and Feuer 2020; *Aristegui Noticias* 2017; Atuesta and Ponce 2016; Treviño et al. 2022; Madrazo, Calzada, and Romero 2018).

There is no direct evidence or testimony outside of the political gossip that general Cienfuegos blackmailed or threatened President Peña Nieto with this withdrawal, however there is robust indirect evidence that points in that direction.

- **Exhibit A:** In a rare display of sincerity (generals rarely give more than a few minutes of interviews for choreographed official statements), general Cienfuegos publicly claimed that he was the first soldier interested in leaving the streets and law enforcement operations (*Sin Embargo* 2016). This is in itself implausible. As Graham Allison and Philip Zelikow claim, bureaucracies tend to fight over influence in public policy by proposing policy solutions that fall within their sphere of expertise (Allison and Zelikow 1999). The war on drugs has been the most profitable endeavour for the Mexican armed forces. During the administration of President Felipe Calderón alone (2006-2012), the SEDENA budget doubled (Rodríguez 2017, 82–84). At the very best, this statement from general Cienfuegos was deceitful.
- **Exhibit B:** The Interior Security Law was approved hastily, in a rush. The draft of the law (most likely not even drafted by the president's advisors but by the Ministry of Defence staff) was submitted to Congress without prior consultation with the Technical Secretariat of the National Security Council (Secretaría Técnica del Consejo de Seguridad Nacional, STCSN), the office of national security advisors of the Office of the Presidency. The president's national security advisors were consulted after the bill was submitted, not before. Why would the president

ignore or forget to ask his staff before sending one of the most important bills in national security legislation (*Aristegui Noticias* 2017)?

The Interior Security Law was approved in 2017 and declared unconstitutional by the Supreme Court in 2019 ('Crónica de La Acción de Inconstitucionalidad 6/2018 y Sus Acumuladas 8/2018, 9/2018, 10/2018 y 11/2018' 2018). Yet the armed forces did not give up until they found a champion that fully legalized their illegal presence on the streets, the current Mexican president, Andrés Manuel López Obrador (AMLO).

President López Obrador was at least on paper an anti-militaristic politician, although US diplomatic cables indicate that he was just as willing as Felipe Calderon, his rival in the 2006 election, to militarize law enforcement if he had won the election (Garza 2006; *Infobae* 2022).

López Obrador campaigned against the Interior Security Law and constantly sided with the victims of human rights violations. Yet once he won the election, he completely changed his mind and began a militarization endeavour that even surpassed the one made by his eternal political enemy, President Felipe Calderon (Ramírez 2018b; 2018a; *Milenio* 2018).

Unlike his predecessors that deployed the armed forces along with civilian authorities like the Federal Police, the civilian intelligence service CISEN and detectives



from the Attorney General's Office, AMLO proposed to disappear the Federal Police, to appoint a general (Division General Audomaro Martínez Zapata) as director of the intelligence civilian service (rebranding it the National Intelligence Center, CNI), and to make the armed forces the sole national police department in the country, under the disguise of a new police corporation called the National Guard.

It is not a coincidence that he chose that name for the new 'police' department. The constitution contained some residual articles from the 1857 constitution that still talked about the national guards, although they were effectively dismantled after the Revolution, with their only direct heir being the Rural Defence Corps of the SEDENA, currently integrated by just a handful of companies (SEDENA 2018, art. 117). Articles 10, 31, 35-36, 73, 76, 78, 89, contained these archaic references to the national guards (Secretaría de Gobernación 2014).

Although the National Guard was announced as a new civilian police, around 80% of its personnel is from the army and navy, with a small component of remaining federal police officers yet to be fired. The soldiers and sailors assigned to the new corporation were not officially transferred to the Ministry of Public Safety to serve as police officers, they were merely assigned a temporary commission, but they retained their employment as soldiers, their commandants are soldiers, they still receive military training, live in

military barracks, and receive their payment either from the Ministry of Defence or the Navy (Observatorio de la Guardia Nacional 2022).

The government propaganda claims that by 2022 the National Guard managed to be close to 114,000 strong (Guardia Nacional 2022), surpassing the Mexican Army's recruitment in the past two decades. To claim that in only 4 years the current administration recruited more than the entire Mexican Army in the past 20 years sounds like an impressive feature. However, this claim was made from manipulation of official statistics:

The 2022 Federal Budget contemplated 38,734 positions for National Guards in the Ministry for Public Safety (SSPC). How can the government claim to have 114,000 brand-new police officers when the Federal Budget only accounts for a third of that personnel (SHCP n.d.)?

The answer is that the National Guard does not have newly recruited 'police officers', but merely soldiers and sailors that disguise themselves as police officers and are borrowed by the ministries of Defence and Navy. The 2022 Public Safety Census indicates that the National Guard had 100,332 members according to the National Geography and Statistics Institute (INEGI): 60,728 soldiers, 16,788 sailors and 22,062 former civilian federal police officers ('Censo Nacional de Seguridad Pública Federal

2022' 2022, 10). The remaining federal police officers have been slowly fired or bullied so that they sign their resignation, given that now that they work under military commanders, they are seen by soldiers as unreliable and weak due to their civilian expertise as professional law enforcement officers ('Policías al Grito de Guerra: Ser Policía En Una Corporación Militar' 2022).

What nominally appears as the National Guard budget in the Ministry of Public Safety, is actually the remaining budget still used to pay the stubborn remaining civilian police officers that have resisted being bullied into retirement or resignation.

When the National Guard was created in 2019 it faced many legal challenges (*DECRETO Por El Que Se Reforman, Adicionan y Derogan Diversas Disposiciones de La Constitución Política de Los Estados Unidos Mexicanos, En Materia de Guardia Nacional* 2019), being the main one the fact that even if a soldier or a sailor receives a temporary commission to any other ministry, he does not acquire the legal powers of that said ministry. For example, suppose a civil servant of the Ministry of the Interior is temporarily commissioned to the Ministry of the Navy to work on a maritime security joint project. In that case, Mexican administrative law does not automatically grant that civil servant the legal powers of the ministry where he will be working temporarily. That civil servant does not earn navy rank just because he is commissioned temporarily to

work in the Ministry of the Navy, and he cannot simply board a navy frigate and start giving orders.

Equally, soldiers and sailors temporarily commissioned to the SSPC were not police officers. They were wearing police uniforms and riding the police cars of the new police department (which were not even new, but vehicles from SEDENA and the Federal Police that were repainted in with new colours), but a simple commission is not the same as being officially transferred from one ministry to another.

The Army and Navy never wanted to transfer their personnel to the Ministry for Public Safety because that would mean that if in 2024 AMLO and its party MORENA lose the election, the National Guard might be disbanded and both the Army and Navy would lose the budget allocated for all the personnel they transferred.

Given that these thousands of soldiers and sailors were conducting law enforcement operations without being fully acknowledged by the law as police officers, many judges released people detained by the National Guard on the grounds that they were detained by an illegitimate authority, exposing these soldiers and sailors to prosecution for impersonating a real police officer.

To deal with this legal conundrum, President López Obrador decreed in May 11 2020 that until March 2024 all soldiers would be granted law enforcement powers as a

provisional measure while the National Guard was consolidated. Despite all the controversy that this decree created, it was considered constitutional by the Supreme Court (*Diario Oficial de La Federación* 2020; Suprema Corte de Justicia de la Nación 2022).

Although nominally the National Guard was announced as a new civilian police department, the civilian SSPC Secretary has no real influence over the operation of the National Guard, which is in command of a general.

Given that the population did not react adversely to the disbandment of the Federal Police and the militarization of law enforcement at the federal level, President López Obrador took a step further and passed a new bill in 2022 to transfer the National Guard from the SSPC to SEDENA. In practice, it was SEDENA who was always in command, but this would mean that the Ministry of Defence would have not only *de facto* control of the National Guard, but also *de iure*. The bill transformed the National Guard into the fourth armed force and placed it under the SEDENA command forever (*Decreto Por El Que Se Reforman, Adicionan y Derogan Diversas Disposiciones de La Ley Orgánica de La Administración Pública Federal; de La Ley de La Guardia Nacional; de La Ley Orgánica Del Ejército y Fuerza Aérea Mexicanos, y de La Ley de Ascensos y Recompensas Del Ejército y Fuerza Aérea Mexicanos, En Materia de Guardia Nacional y Seguridad Pública* 2022; Hernández 2023).

The National Guard effectively dismantled the complex environment of cooperation and competition among bureaucracies that existed between 2000 and 2019. While prior to its creation there were multiple agencies, police departments and intelligence services involved in the war on drugs, after the transition many of them were disappeared, rendered useless or captured by the army:

- Federal Police, disappeared and substituted by the National Guard.
- Center for Research and National Security (CISEN), disbanded, rebranded (National Intelligence Center, CNI) and put in charge of a soldier, general Audomaro Martínez Zapata.
- Technical Secretariat of the National Security Council (STCSN), reduced to irrelevance. The National Security Council has not sessioned even once during this administration.
- Navy, placed partially under Army command.

This last point is particularly important because in Mexican military law army and navy hierarchies are never supposed to intertwine. However, President López Obrador trusted the creation and operation of the National Guard specifically to the army, not to the air force or the navy. This means that navy ship captains and admirals commissioned to the National Guard must obey their SEDENA counterparts. At least on land with its marine

battalions, the Navy is now an operational appendix of SEDENA (*Decreto Por El Que Se Reforman, Adicionan y Derogan Diversas Disposiciones de La Ley Orgánica de La Administración Pública Federal; de La Ley de La Guardia Nacional; de La Ley Orgánica Del Ejército y Fuerza Aérea Mexicanos, y de La Ley de Ascensos y Recompensas Del Ejército y Fuerza Aérea Mexicanos, En Materia de Guardia Nacional y Seguridad Pública 2022*, transitory articles; *ACUERDO Por El Que Se Establecen Los Elementos de La Policía Federal, de La Policía Militar y de La Policía Naval Que Integrarán La Guardia Nacional 2019*; Hernández 2022).

While originally the president announced that only military police from the army and navy would integrate the National Guard, in practice personnel from infantry, cavalry, artillery, marines, and any other sector of the armed forces disguised themselves as police officers and started operating as such.

Thanks to Guacamaya Leaks it was discovered that the president did not write many of these reforms to military regulations, but they were drafted directly by SEDENA's general staff. From a legislative perspective, the army does not obey civilian power, it drafts its own regulations and hands them over to civilians for approval without facing any resistance (INEGI 2023b).

The 2022 reformation to transfer the National Guard from the SSPC to SEDENA was also accompanied by an internal reformation to create inside SEDENA a Joint Staff,

whose purpose was to control the now three branches inside SEDENA: Army, Air Force and National Guard (*Decreto Por El Que Se Reforman y Adicionan Diversas Disposiciones de La Ley Orgánica Del Ejército y Fuerza Aérea Mexicanos* 2022). This internal reorganization was presented to the public as the modernization of the management of the armed forces to resemble modern western countries.

In reality, the creation of the Joint Staff had nothing to do with the modernization of the armed forces, it was a political move in anticipation of the completion of SEDENA's goal of becoming the one and indisputable hegemon of the Mexican national security system, a necessary management readjustment to handle the newly acquired legal powers, budget and personnel.

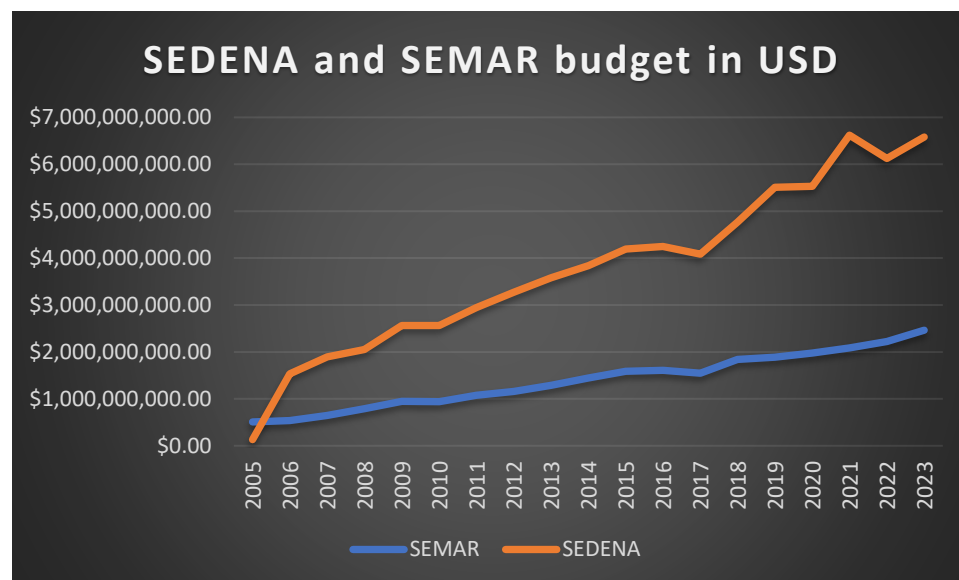
With the creation of the National Guard, SEDENA had three budgets under its charge, the army budget, the air force budget, and the National Guard (SSPC) budget. Overnight, SEDENA became two ministries into a single ministry.

With the creation of the Joint Staff it was also announced the creation of the figure of the Commandant of the Army (*Decreto Por El Que Se Reforman y Adicionan Diversas Disposiciones de La Ley Orgánica Del Ejército y Fuerza Aérea Mexicanos* 2022). While previously it was assumed that the Minister of Defence was the commandant of the army, this increase in power and responsibilities implied that just as the National Guard and



Air Force had a commander contemplated in law, also it was needed for the Army. This appointment in practice is merely honorary, since still only a general from the army will always be appointed as Secretary of Defence.

SEDENA's budget has skyrocketed during AMLO's administration, well above the Ministry of the Navy:



**Source:** Ministry of Finance (SHCP) <sup>2</sup>

This graph is only part of the picture since it only accounts for what officially is allocated in the Federal Budget for the Ministry of Defence, yet Mexican administrative law allows ministries to strike deals with the provincial governments, municipalities, and

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<sup>2</sup> Calculation of USD to Mexican peso of \$17 ('Analíticos Del Presupuesto de Egresos de La Federación' 2006).

other ministries to exchange budget in order to provide certain services. That means that SEDENA can assume tasks that these entities originally should perform in exchange for a price. Through these agreements, SEDENA has absorbed over 100 activities ranging from control of civilian aviation, environmental protection, law enforcement activities, welfare, immigration, education, among others. Between 2009 and 2021, a total of \$4,331,776,507 USD have been transferred to SEDENA, additional to what they are allocated annually in the Federal Budget (Velázquez et al. 2021).

President López Obrador has been especially keen in asking the military to substitute civilians in their duties as public servants. Some of the dozens of roles assigned to them during this administration are:

- The construction of major public infrastructure, like the new Mexico City International Airport AIFA, the Mayan Peninsula Train, the Welfare Bank branches, among others.
- The Navy was assigned control over the old Mexico City International Airport Benito Juárez (DOF 2023b).
- The army is now in charge of the enforcement of immigration policy through the National Guard (which is constituted by soldiers disguised as police officers) and

the multiple retired generals and coronels that now run the National Immigration Institute (INM).

- Control over ports and airports. In 2023 even the appointed Customs Director was a soldier, Division General André Georges Foullon van Lissum (Presidencia de la República 2023).
- The navy was put in charge of national cybersecurity after the creation of the General Cyberspace Coordination in 2022 (SEMAR 2022).
- The president appointed air force generals as Civilian Aviation Directors, Miguel Enrique Vallin Osuna and Carlos Antonio Rodríguez Munguía (*Latinus* 2022a).
- The president intends by 2023 to expel academics from the Bio Security Council (Consejo de Salubridad General) and to give a sit to the ministries of Defence and Navy instead to handle all biohazards. This would mean that in the future, emergencies like COVID-19 would be handled by the military and not by scientists (*Latinus* 2023).

It might be argued that the soundest proof that civilians are still in command of the armed forces is the fact that Mexican presidents have granted these new tasks to soldiers and they have obeyed, yet it is suspicious, to say the least, that no president has yet dared to reduce military budget or to withdraw them from the civilian tasks that they have absorbed.

Two incidents of insubordination might suggest that President López Obrador (or any civilian president for that matter) is not truly in control of the army. The first was the arrest of general Cienfuegos Zepeda, Secretary of Defence between 2012-2018, under charges of drug trafficking after an investigation conducted by the DEA (Golden 2022).

When President López Obrador first talked about the arrest, he initially praised the arrest as a sign of the previous administration's corruption headed by President Enrique Peña Nieto (*Forbes* 2020). Yet overnight he changed his mind and after receiving immense pressure from the army, he mobilized all the Ministry of Foreign Affairs' diplomatic assets to bring the general back to Mexico. Under the threat of expelling all DEA agents operating in Mexico, the Justice Department had no option but to drop the charges against Cienfuegos before he had his day in court. As retaliation, President López Obrador reformed the National Security Law to limit the operation of foreign intelligence and law enforcement agencies on Mexican sovereign soil (DOF 2020).

Scholars like Paloma Cortés described the Cienfuegos affair as a soft coup in Mexico. The army managed to blackmail the president to fight for the freedom of general Cienfuegos. It is not a complete coup in the sense that the army never officially revolted, but a soft coup, an insubordination that threatened the president enough to change his mind about the general's fate (Cortés 2021).

The second incident of disobedience concerns the Ayotzinapa execution (2014). General Cienfuegos Zepeda lied on national television denying any involvement of the Mexican Army ('Entrevista Con El General Salvador Cienfuegos, Titular de Sedena' 2015; *Animal Político* 2023), and when a truth commission was created under instructions of President López Obrador to discover what happened to the victims, the army began spying on the team of researchers working for the commission using the Pegasus software commercialized by NSO group. They even spied Mr Alejandro Encinas, Undersecretary for Human Rights of the Ministry of the Interior, one of the oldest and most loyal political allies of President López Obrador. No soldier was prosecuted for this political espionage ('Ejército Espía: Centro PRODH Nuevamente Atacado Con Pegasus' n.d.; Kitroeff and Bergman 2023).

It is unclear why President López Obrador trusts so much the armed forces to the point of ignoring these illegal acts of insubordination. He might be enticed by what a ministry of defence can achieve with a pharaonic budget and multiple extra-legal powers. Lilian Bobea argues that it is not uncommon for Latin-American presidents to ask for aid to the armed forces because ruling in a democracy is a frustrating experience. Democratic government is characterized by deliberation and negotiation, not imposition. Yet even democracies have one remaining institution designed to be ruled as a tyranny, the armed forces (Bobea 2017).

However, it is just as likely that President López Obrador is afraid of his soldiers and has lost control over them.

Thanks to Guacamaya Leaks it was found that while campaigning López Obrador was not only spied by the civilian intelligence service CISEN, but also by the army. Even his wife's phone was wiretapped. After decades of being surveilled the army might have some material to blackmail the president to obtain the budget and legal powers that it desires (*Infobae* 2021; De Mauleón 2022).

Regardless of whether President López Obrador trusts or fears his soldiers, the democratic setback that has represented the political and economical rise of the army is difficult to assess. The army has not fully substituted all other civilian bureaucracies, but is at least in control of the most important ones: customs, federal law enforcement, public works, etc.

No ministry can compete with the current power of SEDENA, and with the creation of the Joint Staff, it is possible that in the next administration SEDENA might try to absorb its final rival, the Ministry of the Navy (Hernández 2022).

## Conclusions

What began in the early 2000's as a militarization of law enforcement (the deployment of thousands of troops to conduct law enforcement operations along with federal police officers, civilian intelligence services and prosecutors), has degenerated into a militarization of public life in Mexico.

Today, the army (not the Air Force, not the Navy) is the power behind the power, the largest bureaucracy supporting the president's political project. Along the way, they have become wealthy businessmen.

The president unlawfully ordered (in open disobedience of a ruling by the Supreme Court) to consider national security secrets all the expenditures of the armed forces in their newly assumed roles. Opacity is the perfect environment for corruption. We will not be able to discover how many generals and admirals became rich at the expense of the Federal Budget until this information is finally leaked or declassified ('SCJN INVALIDA EL ACUERDO POR EL QUE EL EJECUTIVO FEDERAL EMITIÓ UNA DECLARATORIA DE INTERÉS PÚBLICO Y SEGURIDAD NACIONAL RESPECTO DE DIVERSOS PROYECTOS Y OBRAS' 2023; DOF 2021; 2023a).

Mexico has returned to the epoch of the Revolution in which soldiers were businessmen, but there is a grave danger in this involution. During the Revolution, the

army limited itself in its entrepreneurial advances. The army's internal political life was the one that balanced how much could be stolen from the Federal Budget. The main difference between the times of the Revolution and the XXI century is that we live now in a country that inherited the institutions of the 1946 pact, a country in which deliberately there are no institutions to hold accountable the armed forces precisely because it was assumed that after 1946 they would never return into politics.

Soldiers have returned to politics in the XXI century at the express requests of civilian presidents, members of Congress and governors, but if Mexico aspires to remain a democracy, its oversight of the armed forces must be reformed.

Civilians have withheld their end of the bargain, no executive or legislative authority is willing or capable enough to bother the armed forces, but given that civilians have asked soldiers to break their side of the pact, the new status quo calls for new institutions.

At the beginning of the XXI century, scholarly research was focused on answering the question of whether the deployment of soldiers to the streets could be considered militarization (Díez 2012). In 2023 the question is not about whether the country is undergoing a militarization process, but rather how far that militarization will go. If Mexican society wishes to grant more power and responsibilities to the armed forces



while remaining a democracy, it must equally increase the executive and legislative oversight mechanisms over its expenditure and operation.

Thus far, the only branch that has exerted some degree of control over the armed forces is the judiciary branch. Judges and supreme court justices frequently hold soldiers accountable for the atrocities they have committed during the war on drugs. General Luis Cresencio Sandoval (current Secretary of Defense) called threats to the country anyone (journalists, human rights activists, etc.) that dares defy the political project of president López Obrador, and admiral José Rafael Ojeda (current Secretary of the Navy) openly stated that he sees the judiciary branch of government as an enemy (Manneto 2021; García 2022; 'El Polémico Discurso de Luis Cresencio Sandoval' 2021).

The Supreme Court declared unconstitutional the transfer of the National Guard from the SSPC to SEDENA given that when the new 'police' department was created, the political agreement of all factions in Congress was that SEDENA would only temporarily handle the National Guard as the new 'civilian' police consolidated. With this ruling, the court also denied the National Guard its new status of being considered the fourth branch of the armed forces. The Deputy Chief of the National Guard, general Héctor Ortiz Caletty, claimed that the National Guard would not revert its internal reorganization (the militarization of the police department, the creation of the Joint Staff, etc.) until the

president himself gave the order, in an open act of defiance to the Supreme Court's ruling ('SCJN INVALIDA EL TRASLADO DEL CONTROL OPERATIVO Y ADMINISTRATIVO DE LA GUARDIA NACIONAL A LA SECRETARÍA DE LA DEFENSA NACIONAL' 2023; Dávila 2023).

No policy or politics sphere in 2023 is free from the presence and influence of soldiers. The civilian end of the 1946 pact might not have changed, but circumstances certainly have. Mexican democracy is at a crucible, it can revert this militarization and consolidate, or it can return to the military regime of the XX century, maintaining the civilian appearance not to trigger alarms overseas, but deep down being controlled by the men on horseback.

The army is aware of the political consequences of a traditional coup. International sanctions, diplomatic condemnation, and they do not wish to deal with such nuisances. A more subtle takeover of power, like the one currently occurring in Mexico might be more beneficial. Just as it took a revolutionary general, Lázaro Cárdenas, to set the foundations to end the rule of revolutionary generals, it would seem that now is a popular and loved civilian president, López Obrador, the one who is setting the foundations for the end of civilian rule in Mexico.

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